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July 19, 2013

VIA FEDERAL EXPRESS

Ms. Nicoletta DiForte
Senior Enforcement Policy Advisor
United States Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

**RE: Request to Preform a Remedial Investigation/Feasibility Study
for the Riverside Industrial Park Superfund Site, Newark, NJ
Docket Identification Number EPA-HQ-SFUND-0603**

Dear Ms. DiForte:

Please be advised that this firm represents Carole Graifman, owner of a parcel of property designated as Block 614, Lot 70 on the tax assessment map of the City of Newark, New Jersey (the "Property"). Please accept this letter as our client's response to your correspondence of May 22, 2013 requesting a "good faith offer" for the performance of an RI/FS.

Our client's Property is a single self-contained lot included within the much broader Riverside Industrial Park Superfund Site (the "Site"), which you noted was proposed for listing on the National Priorities List in September 2012. Though your letter requests appropriate investigation and remediation, we are pleased to report that our client's Property has been the subject of several years of active remedial investigation conducted by Federal Refining Company, Inc. ("Federal"), a former operator at the Property. This remedial investigation has been conducted pursuant to the direct oversight of the New Jersey Department of Environmental Protection ("NJDEP"), and is now being completed pursuant to the direction of a New Jersey Licensed Site Remediation Professional ("LSRP"), Jeffrey Powley. As you know, LSRPs are utilized pursuant to the statutory framework in New Jersey established by the Site Remediation Reform Act (N.J.S.A. 58:10C-1, et seq.) and related amendments to the Brownfield and Contaminated Sites Act (N.J.S.A. 58:10B-1, et seq.), the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11, et seq.), and the Industrial Site Recovery Act (N.J.S.A. 13:1K-6, et seq.), and all applicable regulations, rules, and guidance promulgated thereunder.

The Property has been fully investigated and substantially remediated. The final remedial action for the Property will be the construction of a Property-wide engineered cap; with at least four inches of asphalt, placed on top of pre-existing



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capping materials (i.e., concrete and asphalt paving, concrete building floor and foundation, and a six-inch gravel layer). This final remedial action will ensure that the Property is protective of human health, public safety, and the environment, and will fully address any exposure pathway. More particularly, with respect to the EPA Hazard Ranking System, the scoring under the Four Pathways would produce low scores for the Property. As to the groundwater component of the investigation and remediation, the NJDEP has already established a groundwater classification exception area (the "CEA") and has previously confirmed that no further remedial activities related to groundwater are required by our client.

We respectfully submit to you that your proposed criteria for a "good faith offer" have already been met by our client vis-à-vis her Property. Our client has expended very substantial funds with the assistance of qualified professionals under the appropriate governmental oversight to complete all of the aforesaid remedial investigation. Our client is prepared to share this data with whomever is appropriate in the remediation of the broader Site, and in fact, some of this data has already been provided to the EPA in the past, prior to this Firm's involvement with this site.

We further submit that the data collected conclusively establishes that the potential releases/contamination are not related to any site operations conducted by Federal, which was the only operator during the term of Graifman's ownership of the Property. Rather, the record clearly demonstrates that the parties responsible for any potential releases/contamination at the Property, for which Graifman has incurred substantial response costs, are those attributable to the former paint and varnish manufacturing operations. The evidence includes material previously found on the Property that had belonged to and was left by such former paint/varnish manufacturing operators. Of course, such parties were also listed as potentially responsible parties in your correspondence. Our client submits that reimbursement of its costs by such parties is appropriate.

Based on the foregoing, we trust that the EPA will acknowledge that our client's tender of the information already collected by it, and its actions taken to date, are sufficient so that others may incur the additional investigation and remediation costs. Again, our client is willing to cooperate with all parties involved in the RI/FS subject to the foregoing, and we will share the results of the remedial investigation and remediation already undertaken on the Property. Should you have any questions at this time, or be in need of any additional information, please do not hesitate to contact us.

Very truly yours,
PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.

By: 

Paul A. Conciatori

cc: William J. Reilly, Esq. (via email only)